

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TIA BLAKE,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 1:22-cv-312 (PTG/IDD)
)	
PSI,)	
)	
<i>Defendant.</i>)	
)	

ORDER

This matter comes before the Court on the November 30, 2023 Report and Recommendation (“R&R”) from the Magistrate Judge regarding Plaintiff’s Affidavit for Default Judgment (Dkt. 18), which has been interpreted as a Motion for Default Judgment against Defendant pursuant to Federal Rule of Civil Procedure 55(b)(2). Dkt. 26. On March 31, 2023, Plaintiff, who is proceeding *pro se*, moved for default judgment after Defendant failed to timely respond to Plaintiff’s Complaint. Dkt. 18. In the R&R, the Magistrate Judge recommended that Plaintiff’s Motion for Default Judgment be denied “because the Complaint fails to state a plausible claim for relief.” Dkt. 26 at 8. The Magistrate Judge advised the parties that any objections to the R&R must be filed within fourteen (14) days of service, and failure to object waives appellate review. *Id.*

When reviewing a magistrate judge’s R&R, the Court must make a *de novo* determination of those portions of the R&R to which objections, if any, are made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The Court is authorized to accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge. *Id.* “[O]bjections must be specific and particularized in order to direct the attention of the district court to ‘only those issues that remain

in dispute after the magistrate judge has made findings and recommendations.’” *United States v. Kotzev*, No. 1:18-cv-1409, 2020 WL 1217153, at *3 (E.D. Va. Mar. 11, 2020) (quoting *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007)).

On December 7, 2023, Plaintiff filed an Objection to [the R&R]. Dkt. 27. However, rather than identifying any specific and particular issue with the Magistrate Judge’s findings and recommendation, Plaintiff’s ‘Objection’ merely states that Plaintiff “[o]bject[s]’ to the dismissal of [her] complaint” and is “requesting to amend [her] initial complaint in the objective of addressing/correcting the deficiencies [identified] by the magistrate judge[.]” *Id.* at 1.

As an initial matter, the Court notes that the Magistrate Judge’s R&R has not resulted in the dismissal of Plaintiff’s Complaint and this civil action. Rather, in issuing the R&R, the Magistrate Judge evaluated the Complaint under the standards for Rule 12(b)(6) of the Federal Rules of Civil Procedure to determine whether the Complaint plausibly states a claim for relief that would entitle Plaintiff to default judgment. *Id.* at 5–6. Moreover, Plaintiff’s request that she effectively be given leave to amend her Complaint supports, rather than challenges, the Magistrate Judge’s R&R. Furthermore, this Court finds that the Magistrate Judge’s recommendation that Plaintiff’s Motion for Default Judgment be denied is well-founded. As the Magistrate Judge found, and as is plainly clear from the pleading itself, Plaintiff’s Complaint primarily consists of checked boxes asserting discriminatory conduct on the basis of race and religion. Dkt. 1 at 4. The Complaint is devoid of any factual allegations to support such a claim. As such, the Complaint fails to state a plausible claim for relief.

For this reason, Plaintiff’s Motion for Default Judgment must be denied. The Court, however, will grant Plaintiff’s request to amend the Complaint. The Court hereby **OVERRULES**

Plaintiff's Objection (Dkt. 27) and **APPROVES** and **ADOPTS IN FULL** the findings and recommendation of the Magistrate Judge set forth in the R&R (Dkt. 26). Accordingly, it is


ORDERED that Plaintiff's Motion for Default Judgment (Dkt. 18) is **DENIED**; it is further

ORDERED that the hearing on Plaintiff's Objection, which is currently set for January 11, 2024 at 10:00 AM, is **CANCELLED**; and it is further

ORDERED that within twenty-one (21) days of the entry of this Order, Plaintiff file an amended complaint addressing the issues identified by the Magistrate Judge in the R&R.

The Clerk is directed to forward a copy of this Order to Plaintiff, proceeding *pro se*.

January 4, 2024
Alexandria, VA



Patricia Tolliver Giles
United States District Judge